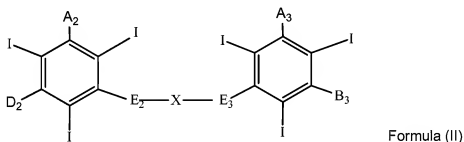


members of Group I because each depends directly or indirectly from claim 1.¹ Applicants further note that page 2, paragraph 6, of the Office action recites "Groups I-III", whereas the Restriction Requirement is drawn to Groups I and II. Applicants presume that the Office intended to assert only two inventions, as called for in Groups I and II.

Support for restriction is based on lack of a single inventive concept under PCT Rule 13.1, the Office asserting that, under Rule 13.2, Groups I-II lack a common technical feature. In particular, the Office asserts that US patent number 5,695,742 discloses the compounds of Group I, which provides the common technical feature between Groups I-II.

Interview Summary in connection with claims 1 and 27 and the U.S. 5,695,742 Patent

The U.S. '742 patent and the elements of claims 1 and 27 were discussed in the Interview of January 25, 2012. Specifically, Applicants' representative stated that moieties A₂ and A₃ of claim 1 dimer Formula (II) (reproduced below) are expressly limited to the **primary amide, -CONH₂**.



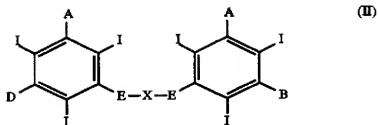
Claim 27 is limited to a dimer species (iosimenol) falling within the scope of claim 1 Formula (II), likewise having the primary amide -CONH₂ at positions corresponding to Formula (II) A₂ and A₃.²

Applicants' representative noted that the US '742 patent discloses a dimer of general formula (II) (reproduced below), wherein moiety A is limited to **secondary or tertiary amides**. Notably, a primary amide as called for in present claims 1 and 27 is not described (or suggested).³

¹ Claims (i) 8 and 12, (ii) 21 and 22, and (iii) 23-26 were previously placed in Groups I-III, respectively, in the Restriction Requirement mailed March 31, 2010. Claims 21-26 were subsequently withdrawn as not being directed to an elected invention.

² See the structure for iosmin at page 5 of the published application, US 2008/0317675 A1, wherein iosmin is disclosed as being "also known as iosimenol" (see the US '675 publication at page 4, paragraph [0039], fourth line from the bottom of the page).

³ See the US '742 patent at column 4.



wherein "A" is defined as follows:

A, B, D, which are the same or different, are $\text{—CON(R)}R_1$
 40 or $\text{—N(R)—CO—}R_2$ groups, wherein

R is H or a linear or branched alkyl residue ($C_1\text{—}C_6$), optionally substituted by 1–5 OH and/or alkoxy and/or hydroxyalkoxy groups,

R_1 is a linear or branched alkyl residue ($C_2\text{—}C_6$), option-
 45 ally substituted by 1–5 OH and/or alkoxy and/or hydroxy-alkoxy groups, or by one of the two groups $\text{—NH—CO—}R_1$ or $\text{—CO—N(R)}R_1$, or R_1 is the residue of a carbohydrate, or R_1 and R, taken together, are an alkylene chain ($C_3\text{—}C_7$) which can be interrupted by O, S, N,

As noted above, Applicants respectfully **traverse** the present Restriction Requirement. As discussed in the January 25 interview, traversal is based on the failure of the US '742 patent to disclose each and every element of claims 1 and 27, i.e., nowhere does the US '742 patent disclose (or suggest) a triido-substituted dimer containing at least two primary amides. As asserted in the interview, claims 1 and 27, as well as all claims depending therefrom, are therefore novel in view of US '742.⁴ As a result, Applicants submitted that this limitation clearly imparts a common technical feature, or a single inventive concept, to the claims of Groups I-II.

In view of the above, the Office agreed (during the above-noted Interview) that Applicants would respond to the Restriction Requirement (as outlined here), whereupon the Office would withdraw the Restriction Requirement and examine the claims of former Groups I and II.

⁴ In this regard it is to be noted that, inasmuch as the Office has not formally rejected claim 1, or any claim depending therefrom, for lack of novelty in either the Office action mailed on July 7, 2010 or the final Office action mailed on February 3, 2011, Applicants presume that the Office has therefore previously concluded that claim 1 is novel over the US '742 patent. Claim 1 and claim 27 (which falls within the scope of claim 1) are therefore, *a priori*, linked by a common novel inventive concept and possess unity of invention. However, Applicants respectfully reserve the right to present new and/or additional arguments relating to the novelty of the claimed subject matter over the cited patent at a later date, should such arguments be necessary.

Election of Species

Additionally, in response to the Election of Species requirement related to the claims of Group I, Applicants hereby elect the following species for initial examination:

- Dimer: iosmin (i.e., iosimenol), which is referenced in paragraph [0039] and illustrated by the structure at the top of page 5 of Applicants' published application – US 2008/0317675 – and furthermore is recited in claim 16 (wherein A_2 and A_3 are CONH_2 , D_2 and B_3 are CON(R)R_1 , with $R = \text{H}$ and $R_1 = \text{CH}_2\text{CH(OH)CH}_2\text{(OH)}$, E_2 and E_3 are N(R)C(O) , with $R = \text{CH}_2\text{CH(OH)CH}_2\text{(OH)}$, and $X = \text{CH}_2$); and,
- Monomer: ioversol, which is referenced in paragraph [0032] and illustrated by the structure near the bottom of page 3 of Applicants' published application – US 2008/0317675 – and furthermore is recited in claim 18 (wherein A_1 and B_1 are $\text{CON(R}_3\text{)R}_1$, with $R_1 = \text{H}$ and $R_3 = \text{CH}_2\text{CH(OH)CH}_2\text{(OH)}$, and D_1 is N(R)C(O)R_2 , with $R_2 = \text{CH}_2\text{(OH)}$ and $R = \text{CH}_2\text{CH}_2\text{(OH)}$).

Applicants note that, upon allowance of a generic claim, they will be entitled to consideration of claims to additional species that are written in dependent form, or otherwise include all the limitations of an allowed generic claim (as provided by 37 CFR 1.141). Currently, elected claim 1 is generic. Elected claims reading on the noted species include claims 2-4, 6, 10, 11, 13-20, 27, 28, and 31-35.

CONCLUSION

The Commissioner is hereby authorized to charge Deposit Account No. 01-2384 for any fees that may be required for this Response to Restriction Requirement in the name of Armstrong Teasdale LLP, including the fee for a two (2) month extension of time.

Respectfully submitted,

/Derick E. Allen/

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VIA EFS